

NO. 22883

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellant

vs.

BERNADETTE SANCHEZ, Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 98-1832)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

The plaintiff-appellant State of Hawai'i (hereinafter, "the prosecution") appeals from the first circuit court's order granting the motion for clarification of sentence filed by the defendant-appellee Bernadette Sanchez. On appeal, the prosecution contends that the circuit court imposed an illegal sentence by granting Sanchez "time-served credit" in the present matter, Cr. No. 98-1832, for time actually served in connection with an unrelated criminal matter, Cr. No. 97-1497.

Upon carefully reviewing the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we hold that the circuit court imposed an illegal sentence when it granted Sanchez credit in the present matter for time served in connection with an unrelated criminal matter. See State v. March, No. 22938, slip op. at 7-10 (Haw. Oct. 30, 2000) (holding that Hawai'i Revised Statutes 706-671(1) (1993) does not authorize grant of credit for time served in connection with

offenses unrelated to that for which sentence is imposed and, thus, that "a sentence that credits [a d]efendant with the time served for an unrelated offense is illegal"). Therefore,

IT IS HEREBY ORDERED that the first circuit court's order, filed on September 27, 1999, granting defendant's motion for clarification of sentence, from which the appeal is taken is reversed.

DATED: Honolulu, Hawai'i, November 30, 2000.

On the briefs:

James M. Anderson (Deputy
Prosecuting Attorney), for
the plaintiff-appellant,
State of Hawai'i

Catherine P. Gutierrez
(Deputy Public Defender),
for the defendant-appellee,
Bernadette Sanchez